



Missouri State Auditor

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FOR IMMEDIATE RELEASE

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Schweich Releases Audit of Missouri State Public Defender

JEFFERSON CITY (Oct. 10, 2012) – State Auditor Tom Schweich released the audit of Missouri State Public Defender (MSPD) today.

In the areas audited, the overall performance of this entity was **Fair**.

The MSPD is unable to accurately determine the resources needed to manage caseloads. The MSPD does not track staff time spent by case type, so the MSPD lacks detailed information to estimate staff hours per caseload. Audit staff reviewed the caseload protocol calculation procedures and noted significant concerns with the methodology and data used to calculate key components and the final calculation as to whether maximum caseload has been exceeded.

The MSPD lacks support or basis for many components of the caseload protocol calculation, and there is a lack of assurance various components are comparable. The MSPD determines the number of needed attorney hours based upon converted national standards with the assumption of each attorney working on cases 2,080 hours per year, but calculates the number of available attorney hours based upon each attorney working on cases an average of 1,536 hours per year.

Some circuit courts frequently deny liens filed, making it impossible for the MSPD to recover costs associated with services provided, and some courts do not attempt to collect MSPD liens. The MSPD does not monitor court collection efforts or encourage the courts to collect liens. As of June 30, 2010, the MSPD had approximately \$70.1 million in unpaid liens and promissory notes.

A state law requiring the MSPD to pay for transcripts on cases under appeal may cause excessive and unnecessary costs to the state. Court reporters were paid a total of \$600,000, \$515,000, and \$350,000, for transcripts on appeal in addition to their state salaries for the years ended June 30, 2009, 2010 and 2011, respectively.

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The MSPD spends approximately \$1.7 million per year on employee travel and has not performed a comprehensive analysis to identify ways to reduce travel costs and increase employee productivity. MSPD travel policies and procedures do not minimize mileage and lodging costs.

The MSPD was created by statute in 1972 to provide legal services to eligible persons. The MSPD has three legal services divisions: The Trial Division responsive to the trial courts, the Capital Division responsible for death penalty trial representation, and the Appellate/Post-Conviction Relief Division responsible for appellate and post-conviction litigation.

To view the complete report, Citizens Summary and audit rating scale, visit:
<http://auditor.mo.gov/CitzSumm/2012-129.pdf>

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